

Title 11

DEPARTMENT OF TRANSPORTATION

Notice of Proposed Action

[19-132-P]

The Administrator of the Motor Vehicle Administration proposes to amend:

- (1) Regulations .02 and .04 under **COMAR 11.11.13 Ignition Interlock Program**; and
- (2) Regulations .02—, .04, .08, .10, and .18 under **COMAR 11.13.10 Ignition Interlock Systems**.

Statement of Purpose

The purpose of this action is to update the definitions and to establish regulations for the requirement for the Ignition Interlock System to be equipped with a camera pursuant to the passage of Chapter 65 (HB 55) and Chapter 66 (SB 245), Acts of 2019.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, MVA, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call (410) 768-7545, or fax to (410) 768-7506, or email to tsheffield@mdot.state.md.us. Comments will be accepted through August 19, 2019. A public hearing has not been scheduled.

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

11.11.13 Ignition Interlock Program

Authority: Transportation Article, §§12-104(b), 16-205.1, 16-404.1, and [27-107] 21-902.2, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (3) (text unchanged)

(4) “Ignition interlock device” or “interlock device” [means a device that:

(a) Connects a motor vehicle’s ignition system to a breath analyzer that measures an individual’s alcohol concentration;
and

(b) Prevents a motor vehicle ignition from starting the motor vehicle if the driver’s alcohol concentration exceeds the calibrated setting on the device] *means an ignition interlock system as defined under Transportation Article, §21-902.2, Annotated Code of Maryland.*

(5) — (10) (text unchanged)

.04 Violations of the Program.

A. — B. (text unchanged)

C. *When a violation of the Program is found, there is a presumption that the violation has been committed by the participant when the person is not clearly visible and identifiable in the interlock device camera image.*

Subtitle 13 MOTOR VEHICLE ADMINISTRATION — VEHICLE EQUIPMENT

11.13.10 Ignition Interlock Systems

Authority: Transportation Article, §§12-104(b), 16-404.1, [27-107,] and [27-108] 21-902.2, Annotated Code of Maryland

.02 Definitions.

A. [The] *In this chapter, the following terms have the meanings indicated.*

B. Terms Defined.

(1) — (7) (text unchanged)

(8) “Device” [means an ignition interlock device] or “ignition interlock device” means an ignition interlock system as defined in Transportation Article, §21.902.2, Annotated Code of Maryland.

[(9) “Ignition interlock device” means a device that connects a motor vehicle’s ignition system to a breath analyzer that measures an individual’s alcohol concentration and prevents a motor vehicle ignition from starting the motor vehicle if a driver’s alcohol concentration exceeds the calibrated setting on the device.]

[(10)] (9) — [(15)] (14) (text unchanged)

.03 Manufacturer’s Application.

A. (text unchanged)

B. An application for certification shall include, in addition to other information which the Administration may require:

(1) — (3) (text unchanged)

(4) Technical specifications descriptive of the device’s accuracy, security, data collection and recording, *digital photographic image collection*, tamper detection, and environmental features;

(5) — (8) (text unchanged)

.04 Guidelines.

A. — F. (text unchanged)

G. *Mandatory Operational Features — Camera.*

(1) *The device shall have a camera with the capability of recording and storing still images without the capability to record sound or video and that records photographic images only while the device is testing the blood alcohol level of the individual taking the test or if tampering with the device is detected.*

(2) *The camera required under §G(1) of this regulation:*

(a) *May not pose a threat to the individual taking the test or passengers of the vehicle in the event it becomes displaced;*

(b) *Shall take an image of the individual taking the test with sufficient clarity and resolution to allow the individual taking the test to be identified;*

(c) *Shall operate in all lighting conditions, and capture a clear image of the individual taking the test for identification;*
and

(d) *Shall focus on and take images of the individual taking the test while the individual is completing the breath alcohol test with the ignition interlock device as specified by the Administration.*

.08 Installation Standards.

A. — B. (text unchanged)

C. The manufacturer is responsible for ensuring electronic anti-tampering securities which include, but which are not limited to, the following:

(1) — (3) (text unchanged)

(4) When a device detects a condition that would be considered tampering, the device shall activate an indicator or interrupt device and capture and store a photographic image.

.10 User Orientation and Support.

A. The vehicle operator shall be provided:

(1) — (2) (text unchanged)

(3) Written notice about how the device may be affected by high altitudes; [and]

(4) *Written notice about the requirement that the customer must remain in clear view of the camera at all times while a breath sample is being provided; and*

[(4)] (5) (text unchanged)

B. (text unchanged)

.18 Exemption.

An ignition interlock device certified and installed before [October 1, 1996] *October 1, 2019*, may continue to be used until the earliest of:

A. — B. (text unchanged)

C. [180 days after the amendments to this regulation become effective] *The customer’s re-enrolling with a device that was installed prior to October 1, 2019.*

CHRISTINE NIZER
Administrator
Motor Vehicle Administration